

CITY OF CLEWISTON
Regular Commission Meeting
April 18, 2016

The City of Clewiston City Commission held its regular Commission meeting in the City Hall Commission Chambers Monday, April 18, 2016. The meeting was called to order at 5:00 p.m. by Mayor Phillip Roland.

Pastor Jeff Smith of the First United Methodist Church gave the invocation and the audience joined in reciting the Pledge of Allegiance.

Commissioners Present: Mayor Phillip Roland, Vice Mayor Kristine Petersen, Commissioner Mali Gardner, Commissioner Sherida Ridgill and Commissioner Julio Rodriguez. Commissioner Julio Rodriguez left the meeting at 5:49 p.m.

Personnel Present: City Manager Al Perry, Interim City Clerk Kathy Combass, City Attorney Charles Schoech, Finance Director Shari Howell, Code Enforcement Officer Debbie McNeil, Community Development Director Travis Reese, Police Chief Don Gutshall, Public Works Director Sean Scheffler, Recreation Director Lance Ramer, Utilities Director Danny Williams, Library Director Ava Barrett, Animal Control Officer Tammy Henry, Andre Taylor, Joanna Gutierrez and City Engineer Tommy Perry.

Visitors Present: Ninette Aker, Asa and Betty Godsey, Pat Lucey, Laura Smith, Michael Atkinson, Kathy Irey, Jerry Cochrane, Raoul Bataller, Darrell Moore, Christine Howell, Pastor Jeff Smith and MaryAnn Jefferson.

ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA

City Manager Perry requested the Animal Control Appreciation Week 2016 Proclamation be added to the Consent Agenda.

City Manager Perry also requested Agenda Item Nos. 2, 3 and 5 be pulled from the agenda.

Commissioner Ridgill requested Consent Agenda Item G be pulled for discussion.

Commissioner Ridgill made a motion, seconded by Commissioner Gardner, to pull Consent Agenda Item G for discussion. Vote 5 yeas, 0 nays

1. Consent Agenda

- A. *Commission Workshop Minutes – March 17, 2016*
- B. *Commission Meeting Minutes – March 21, 2016*
- C. *Recreation Summer Camp Rate Revision*
- D. *Proclamation – Donate Life Month – April 2016*
- E. *Event Application – Chamber of Commerce July 4th Celebration*
- F. *Consideration of reduction for unenforceable code enforcement fine at 831 E. Trinidad Ave.*
- G. **Pulled for Discussion** - *Consideration of accepting a surety bond as a utility deposit for the two utility accounts of the nursing home located at 301 South Gloria Street*

Commissioner Gardner made a motion, seconded by Commissioner Rodriguez, to approve the consent agenda. Vote 5 yeas, 0 nays

Consent Agenda Item G – Consideration of accepting a surety bond as a utility deposit for the two utility accounts of the nursing home located at 301 South Gloria Street – Commissioner Ridgill opened the discussion regarding the acceptance of the surety bond. She noted Utilities Director Williams advised the Commission to accept the surety bond because the City would not have to pay the 6% interest like they do on cash deposits. She stated her concern was that if the bond lapsed, she did not want City staff to be responsible for reminding them to renew their bond. She questioned City Attorney Schoech if the surety bond is accepted, can we include language in the agreement requiring the cash deposit would immediately be due if the bond lapsed or was cancelled. City Attorney Schoech stated we could include that language in the agreement. He also stated there are different forms of bonds and he wasn't sure what they are proposing. It could be a surety bond or a letter of credit. Commissioner Gardner stated she

would like to see what they are offering before we make a decision. She also noted if we decided to accept the surety bond, we need to review our code regarding bonds and make sure we follow the code. Commissioner Gardner stated she was also concerned if the City would be protected accepting the surety bond from an LLC if they default and this is their only place of business in the State of Florida. City Attorney Schoech stated the City would be protected if it was written correctly. He also stated the City could require a Letter of Credit with a bank.

Commissioner Ridgill made a motion, seconded by Vice Mayor Petersen to table Consent Agenda Item 1G.

**Commissioner Ridgill amended her motion, seconded by Vice Mayor Petersen, to table Consent Agenda Item 1G to a time certain (the next City Commission Meeting on May 16, 2016 unless the meeting date is changed).
Vote 5 yeas, 0 nays**

PRESENTATION OF PROCLAMATION IN RECOGNITION OF DONATE LIFE MONTH – APRIL 2016.

City Manager Perry read a proclamation recognizing April 2016 as Donate Life Month. The Commission presented the proclamation to MaryAnn Jefferson of Lifelink Foundation.

PRESENTATION OF PROCLAMATION IN RECOGNITION OF ANIMAL CONTROL APPRECIATION WEEK 2016.

Vice Mayor Kristine Petersen read a proclamation recognizing April 10-16, 2016 as Animal Control Appreciation Week and honoring Tammy Henry, City of Clewiston Animal Control Officer, along with Kathy Irey, City of Clewiston Animal Shelter Volunteer, for their continued efforts and community service regarding animals.

PUBLIC HEARING

2. **Deleted - Appeal of Administrative Decision** - Clyde Johnson Contracting & Roofing, Inc. Appeal of Administrative Decision denying fence location at 1005 and 1007 W. Ventura Ave. (Lotus St. and Ventura Ave.) – The Planning & Zoning Board met on March 14, 2016 to consider Mr. Johnson's appeal of the administrative decision denying the location of the fence at 1005 and 1007 W. Ventura Ave. (Lotus St. and Ventura Ave.). The Board reviewed the application and after discussion and advice from legal counsel, recommended the appeal be granted based on their interpretation of Code of Ordinances Section 110-524. The Board agreed the location of the fence in question is in compliance with the code.

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

3. **Deleted - Award of Master Pump Station Rehabilitation Bid** – The City advertised for bids for the Master Pump Station Rehabilitation on July 16, 2015. The bids were opened on March 31, 2016 and ranged from \$767,000 to \$870,144. City Engineers Tommy Perry and Scott Jones with Johnson-Prewitt & Associates, Inc. will have a recommendation.
4. **Discussion regarding Interlocal Agreement Between the City of Clewiston and Hendry County Concerning Recreational Facilities, Programs and Services** – City Manager Al Perry

City Manager Perry stated this item was discussed at the workshop on April 14, 2016. He questioned if there was any further discussion regarding this matter. It was noted that the City has until next month's City Commission Meeting, May 16, 2016, to make a decision on this matter. Commissioner Gardner stated the important items discussed at the April 24, 2016 Workshop were the removal of the automatic renewal provision of the contract, getting the information from School Board Superintendent Puletti regarding the School Board's help with capital improvement projects, and reaching an acceptable amount of funding support from Hendry County. Commissioner Gardner also noted she believes it needs to be noted the City's total millage rate is much higher than the total millage rate for the Hendry County. Commissioner Ridgill agreed with Commissioner Gardner regarding the removal of the automatic renewal provision. She stated she would like to have the Interlocal Agreement

separated into two (2) separate contracts. One regarding the support for the recreational facilities and the other for the services provided to the rural East Recreation areas. Commissioner Ridgill stated she wanted to know how much money we have spent in Eastern Hendry County. She noted if we didn't use the entire \$55,000, that amount not used would have to be refunded to the County and if we went over \$55,000, we would not be reimbursed. She wanted to make sure we have the funding to provide the summer camp in the Harlem area. Vice Mayor Petersen stated if there is going to be a summer camp in the Harlem area, she would like to know how it would be funded. Should scholarships or subsidies play a role elsewhere, she did not feel it would be fair to increase City summer camp registrations.

Commissioner Ridgill made a motion, seconded by Vice Mayor Petersen, to have City Manager Perry inform Hendry County that the City Commission is not going to accept the automatic renewal of the *Interlocal Agreement Between the City of Clewiston and Hendry County Concerning Recreational Facilities, Programs and Services* as written.

There was additional discussion regarding the *Interlocal Agreement Between the City of Clewiston and Hendry County Concerning Recreational Facilities, Programs and Services*. Mayor Roland, Commissioner Gardner and Commissioner Rodriguez agreed the City of Clewiston is now receiving a larger amount than what was received 3 years ago. Commissioner Gardner stated the amount is still not enough. Commissioner Gardner stated she felt the City should also have an interlocal agreement with the Hendry County School Board. Mayor Roland stated he would like the City Commissioners and County Commissioners to meet to discuss the agreement. Commissioner Gardner stated the Hendry County School Board should also be included in the meeting. Commissioner Ridgill felt if the agreement was separated, the City may be able to get the County to agree to include a yearly percentage increase for recreational support.

Vice Mayor Petersen withdrew her second. Commissioner Ridgill withdrew her motion.

Commissioner Ridgill made a motion, seconded by Vice Mayor Petersen to request City Manager Perry notify Hendry County that the City Commission wishes to discuss the current *Interlocal Agreement Between the City of Clewiston and Hendry County Concerning Recreational Facilities, Programs and Services* and does not accept the automatic renewal provision of the agreement. Vote 5 yeas, 0 nays

5. **Deleted - Discussion regarding purchase of July 4th Fireworks – City Manager Al Perry**
6. **Consideration of hiring a Facilities Technician in preparation for the pending retirement of employee Lee Marvin – City Manager Al Perry**

There was a general discussion regarding the financial impact. It was noted the financial impact would be approximately \$16,900 and the funds would come out of the contingency fund.

Mayor Roland passed the gavel to Vice Mayor Petersen as he left the meeting at 5:46 p.m.

Commissioner Ridgill made a motion, seconded by Commissioner Gardner to allow City Manager Perry to retain a Facilities Technician in preparation for the pending retirement of employee Lee Marvin. Vote 4 yeas, 0 nays

Vice Mayor Petersen passed the gavel to Mayor Roland upon his return to the meeting at 5:48 p.m.

7. **Departmental Monthly Activity Reports - Presented for information only.**

PUBLIC COMMENTS – Raoul Bataller addressed the Commission and stated the City of Clewiston needs a veterinarian. Mayor Roland informed Mr. Bataller the City of Clewiston

has a veterinarian. It was noted Dr. Carter, a veterinarian at Critter Care, comes to Clewiston three days each week. Commissioner Gardner stated Critter Care's rates are very reasonable and she believes they are very reliable. They also work with Animal Control. Commissioner Ridgill also stated she believes Dr. Shewmaker still comes to Clewiston. Mr. Bataller questioned if Critter Care would be able to handle the future volume of spaying and neutering. Commissioner Gardner stated they have been able to meet all the needs so far. Commissioner Gardner noted Henderson and Harvey out of Okeechobee also have offered their large animal vet to come to Clewiston. Commissioner Ridgill stated the Caloosa Humane Society also helps with spaying and neutering.

Ninette Aker stated she agreed with Mr. Bataller that the City needed a veterinarian. She also stated she has noticed many dogs running loose when she walks her dog. She questioned the Commission if there was a way we could notify the residents there is a leash law. Police Chief Gutshall stated he would post the leash law information on Animal Control's Facebook page.

COMMENTS FROM CITY MANAGER – City Manager Perry stated as of today he has been with the City for three years. He noted there are 9 Directors with the City of Clewiston and 5 of them are new since he has been here. He thinks there are good things in store for the City. He thanked the Commission for being patient with him.

COMMENTS FROM THE CITY ATTORNEY - none

COMMENTS FROM THE CITY COMMISSION – Commissioner Gardner noted the 3 years City Manager Perry has been employed, have flown by. Commissioner Ridgill stated she believes City Manager Perry has the City's best interest at heart and hopes to see him for many years to come. Mayor Roland questioned the Commission if anyone would like to volunteer to review other cities who have the same services that we offer, to determine if our City Manager is overpaid, underpaid or in the median. Mayor Roland stated he wanted to be fair to City Manager Perry. He noted City Manager Perry agreed to work without a contract and would like to know whether most City Managers have a contract. Vice Mayor Petersen stated she would do the salary study and contract search. Commissioner Gardner stated Interim City Clerk Kathy Combass could help Vice Mayor Petersen with that study.

Commissioner Ridgill stated April is Animal Abuse Awareness Month and we are waiting to see what the County does with a possible breeding ordinance. Commissioner Ridgill reiterated Commission direction, given to City staff at the April 14, 2016 workshop to look at possible vacant property registrations. It was noted Code Enforcement Officer Debbie McNeil this directive.

The meeting was adjourned at 6:04 p.m.

Phillip Roland, Mayor

Kathy Combass, Interim City Clerk